

**REMARKS**

Applicant has amended the specification to insert the headings suggested by the Examiner.

Applicant requests the Examiner to withdraw the objections to claims 1, 3 and 4 in view of the above claim amendments.

Applicant requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph, in view of the above amendments to claim 4.

Applicant respectfully traverses the rejection of claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Pujol '650.

Claim 1 has been amended to better define the invention with respect to Pujol's disclosure.

Claim 1 now specifies that:

the means for guiding said sliding shutter onto said case are translation guiding means;

the means for holding said sliding shutters are secured onto the case while allowing them to slide onto said guiding means;

said guiding means and said holding means are physically separate from each other;

said wristwatch further comprises means for exerting a vertical force under each of said shutters;

said means for exerting said vertical force are interposed between said case and each of said sliding shutters; and

said vertical force exerting means tend to apply each of said shutters against said holding means.

Pujol discloses a watch comprising a case 17 enclosing a movement, a first and a second strand wristband 6 secured to the case via a metal strip forming a foundation piece 1 which supports case 17. The watch also comprises two pivotal shutter-type covers or housing sections 10 and 11 that can be opened or closed using a pivotal pin assembly secured to foundation piece 1. The pivotal shutter-type covers 10 and 11 are, therefore, pivoted on a hinge pin 9 extending along the longitudinal direction of the wristband and supported by foundation piece 1.

The watch is also provided with finger pieces 22 which act as control pieces for the opening and closing of the shutter-type covers. Finger pieces 22 are also pivoted on the foundation piece 1 via hinge pins 21 extending perpendicularly to hinge pin 9.

The finger pieces 22 have toes 23 which engage abutments 24 provided on shutter-type covers 10 and 11. Toes 23 cooperate with spring fingers 2 which tend to force toes 23 against abutments 24 and, thus, force the shutter-type covers 10 and 11 into the closed position. When the finger pieces are forced toward one another, the toes 23 retract and allow the shutter-type covers 10 and 11 to open, the latter being biased via a coiled spring.

However, in Pujol, the hinge pin 9 acts as means for guiding the shutter-type covers in rotation as well as means for holding these shutter-type covers onto the foundation piece 1. Accordingly, the means for guiding the shutter-type covers and for holding them onto the foundation piece are one and the same single piece i.e., the hinge pin 9.

**In contrast**, in Applicant's claimed watch, apart from the fact that it does not involve any pivotal shutter type covers but, rather, covers which are mobile in translation on a watch case, the guiding means for the covers and the means for holding the covers onto the case are physically separate from each other. This specific construction, in combination with the means, for exerting a vertical force under each of said shutters, arranged between the case and the covers, tends "to apply each of said shutters against said holding means", thereby allowing, in particular, greatly to reduce the friction surfaces between the covers and the case and, consequently, make the opening and closing of the covers easier. This is particularly true for covers that travel in translation over a relative long distance on a watch case.

As this problem does not even arise in a pivotal pin assembly such as that disclosed in Pujol (since the friction surface in play at the hinge and the travel involved are negligible), Applicant respectfully submits that, notwithstanding the Examiner's assertions to the contrary, Pujol's disclosure does not provide a *prima facie* case of obviousness of the subject matter of the independent parent claim 1 and the dependent claims 2-10.

More specifically, not only does Pujol not recognize the problem solved by Applicant's claimed invention, but also Pujol clearly does not disclose or even suggest all of the elements of Applicant's claim 1. The Examiner's conclusory statement that it would have been obvious to "replace the pivotal covers, as taught by Pujol, with sliding shutter covers, since both are alternative types of shutter cover assemblies which will provide the same function..." does not appear to be well taken and is unsupported by any teaching in Pujol and could be based only on the prohibited use of hindsight reconstruction based on the Examiner's knowledge of Applicant's

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own disclosure. In fact, Applicant respectfully submits that all of the Examiner's conclusions of obviousness are based on hindsight reconstruction of Pujol's disclosure which, as noted above, neither recognizes nor solves the problem solved by Applicant's claimed invention.

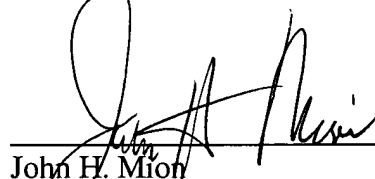
Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw all requirements, objections and rejections and to find the application to be in condition for allowance with all of claims 1-10; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees

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under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and  
Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

  
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John H. Mion  
Registration No. 18,879

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
(202) 663-7901

WASHINGTON OFFICE

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